

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

<b>STANLEY BRADLEY</b>	§	<b>PLAINTIFF</b>
	§	
<b>v.</b>	§	<b>CIVIL NO.: 2:12cv206-HSO-RHW</b>
	§	
<b>CITY OF HATTIESBURG POLICE</b>	§	<b>DEFENDANTS</b>
<b>DEPARTMENT, MAYOR JOHNNY L.</b>	§	
<b>DUPREE, KIM BRADLEY,</b>	§	
<b>DEBORAH L. DENARD DELGADO,</b>	§	
<b>CARTER CARROLL, DAVE WARE,</b>	§	
<b>HENRY E. NAYLOR, CITY OF</b>	§	
<b>HATTIESBURG, and LIEUTENANT</b>	§	
<b>DALE BOUNDS</b>	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DISMISSING CASE FOR FAILURE TO PROSECUTE**

BEFORE THE COURT is the Report and Recommendation of United States Magistrate Judge Robert H. Walker [30] entered on November 10, 2014. After Plaintiff failed to appear for a telephone conference duly noticed for October 23, 2014,<sup>1</sup> the Court issued an Order to Show Cause [28] why the case should not be dismissed for Plaintiff's failure to keep the Court apprised of his current contact information and failure to comply with the Court's order to participate in the October 23, 2014, telephone conference.<sup>2</sup> Plaintiff did not respond to the Order to Show Cause.

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<sup>1</sup> The record reflects that on October 8, 2014, a copy of the notice setting the October 23, 2014, telephone conference was mailed to Plaintiff's last known address of 403 West Street, Hattiesburg, Mississippi 39401. Remark, Oct. 8, 2014.

<sup>2</sup> The record reflects that on October 23, 2014, the Court mailed a copy of the Order to Show Cause [28] via certified mail, return receipt requested, to Plaintiff's last known address of 403 West Street, Hattiesburg, Mississippi 39401. Remark, Oct. 23, 2014. On October 31, 2014, the record reveals that this mail was returned as undeliverable. Remark, Oct. 31, 2014.

Thereafter, the Magistrate Judge *sua sponte* considered dismissal of this case for failure to prosecute because Plaintiff failed to keep the Court apprised of his contact information despite being ordered to do so. Report and Recommendation 1-2 [30]. The Magistrate Judge also pointed out that Plaintiff was ordered to respond to Motions to Dismiss filed by The City of Hattiesburg [17], the Hattiesburg Police Department [12], and Lieutenant Dale Bounds [15] but did not file a response to any of the three Motions or seek additional time to do so, and did not appear for or seek a continuance of the Court's duly noticed telephone conference on October 23, 2014. *Id.* The Court has closely reviewed the findings in the Report and Recommendation, the record, and relevant legal authorities, and concludes that the Report and Recommendation [30] should be adopted as the opinion of this Court and this case should be dismissed for failure to prosecute.

To date, Plaintiff has not objected to the Report and Recommendation [30]. Where no party objects to a magistrate judge's report and recommendation, a court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("[A] judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the proposed findings of fact and recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge's Report and Recommendation [30] thoroughly considered all issues and is

neither clearly erroneous nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that this case should be dismissed for Plaintiff's failure to prosecute. The Report and Recommendation should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Report and Recommendation [30] of Magistrate Judge Robert H. Walker entered on November 14, 2013, is adopted as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that this case is **DISMISSED**.

**SO ORDERED AND ADJUDGED**, this the 1st day of December, 2014.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE